

Remarks

The present Response is to the Office Action mailed 08/03/2009. Claims 29, 31 and 33 are presented for examination.

Claim Rejections - 35 USC § 101

3. Claim 33 is rejected under 35 U.S.C. 101 because the claimed invention falls outside of the statutory categories. Claim 33 recites "Computer program code..." and computer program code is software per se is neither a "product" nor a "process" in a statutory sense. The aforementioned intrinsic evidence in the specification suggests that the full scope of the claimed method encompasses nothing more than software and is therefore non-statutory for that reason. Furthermore, a practical application exists if the *result* of the claimed invention is "useful, concrete and tangible". Thus, computer program code would not provide a tangible result.

Applicant's response:

Claim 33 is herein cancelled.

Claim Rejections - 35 USC § 112

Claims 29, 31, and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 29 and 31 recite a computerized server, however, the original disclosure does not disclose a computerized server, would one of ordinary skill in the art be able to make and use the invention without undue experimentation. Similarly, claims 31 and 33 disclose computer readable medium, however, the original disclosure does not disclose computer readable medium.

Applicant's response:

Applicant amended the specification in the last response submitted on May 26, 2009. The amendment states:

Please amend the paragraph beginning on page 4, line 24, as follows:

Fig. 1 shows an illustrative agent resume table of skills for an illustrative task center. The task center performing the present invention on a computerized server executing software code from a computer readable medium, as would be obvious to one of ordinary skill in the art.

Applicant herein amends the specification to correct the “server” language. The change to the specification is apparently accepted by the Examiner as evidenced by a lack of statement otherwise, said claims are supported in applicant’s specification.

Further, applicant points out that the present specification provides a “Cross-Reference to Related Documents” portion which states the present application is a continuation application of co-pending patent application serial number 09/455,088, filed December 6, 1999, now U.S. Patent 6,584,192, entitled "Method and Apparatus for Skills-Based Task Routing", and which is incorporated herein in its entirety. This document clearly recites program code embodied in storage medium for controlling a computer (claim 11).

Therefore, applicant argues the 112 rejection should be removed, as actually having the claimed software stored on and executing from a computerized appliance is provided in the priority document if not notoriously accepted by those with minimal skill in the art.

Claim Rejections - 35 USC § 103

5. Claims 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. (US Patent 6,163,607) in view of Brooks et al. (U.S. Patent. 5,825,869).

Regarding claims 29 and 31, Bogart teaches a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks (abstract; col. 4, lines 51-57), comprising:

(a) receiving a task at a server operating within the service center (col. 4, lines 25-26 - *calls incoming to the call center on lines or trunks*);

(b) preparing task for service by determining the agent skill set that would be best suited for responding to the task (col. 4, lines 25-29);

(d) determining from the skill table of available agents all agents qualified to service the task (col. 7, lines 6-9);

(e) selecting an agent least qualified to service the task from the agents determined to be qualified to service the task (col. 7, lines 52-54). Selecting an agent least qualified to service the task from agents determined to be qualified to service the task is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents determined to be qualified to service the task is also well known. For example, if agent A1 speaks English and Spanish, agent A2 speaks only English, a task needs to be serviced is English then one would select agent A2 with a minimum qualification level to service the task and reserving agent A1 for next task that needs a Spanish speaking agent.

Bogart does not explicitly teach building a skill table of all available agents having skills at least partially matching the determination of skills needed to service the task in step a, wherein the skill table is organized by skill sets that include all skills possessed by the agents; and servicing the task by the selected agent utilizing at least a portion of the skills listed in the skill table.

Brooks teaches building a skill table of all available agents having skills at least partially matching the determination of skills needed to service the task in step a (col. 9, lines 11-14), wherein the skill table is organized by skill sets that include all skills possessed by the agents (col. 9, lines 17-65); and servicing the task by the selected agent utilizing at least a portion of the skills listed in the skill table (col. 9, lines 55-62 - *agent has skill A, B, and C and skill C only needed to service the task*).

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Brooks into the teachings of Bogart for the purpose of having a more efficient system by determining the skills required to service the task, an agent table is built including agents having skills required to service the task. Organizing skill table by skill sets would advantage in quickly determining agents with skills possessed needed to service the task.

Claim 33 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bogart teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (col. 3, lines 53 through col. 4, line 25).

Applicant's response:

The Examiner states; "Selecting an agent least qualified to service the task from agents determined to be qualified to service the task is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents determined to be qualified to service the task is also well known. For example, if agent A1 speaks English and Spanish, agent A2 speaks only English, a task needs to be serviced is English then one would select agent A2 with a minimum qualification level to service the task and reserving agent A1 for next task that needs a Spanish speaking agent."

Applicant officially challenges what the Examiner states is well known in the art and respectfully requests valid art be provided teaching; "Selecting an agent least qualified to service the task from agents determined to be qualified to service the task". The Examiner errs in the statement by providing a simplistic example, and personal logic; when in reality incoming calls require a plurality of skills including proficiency level of those skills in order to effectively process a task, i.e. English speaking, level of product knowledge, software knowledge, etc. As evidenced by the art of Bogart, the best agent qualified is selected according to score, not the least qualified, as claimed (col. 7, lines 6-7). The fact that the Examiner realizes the advantages of applicant's invention does not render applicant's claims as obvious or well known in the art.

Bogart and Brooks fail to teach the steps claimed in applicant's invention, in the order they are presented and the Examiner may not simply waive the requirement to show applicant's invention in the art when attempting to present a valid rejection by stating it would have been obvious to one with skill in the art. Bogart and Brooks fail to create a table of agents and skills **in response to receiving a task** to be assigned. Bogart teaches having obtained a call score for the call, agent and call selector 150 proceeds at steps 702-704 to obtain a score for each of the available agents who can handle the call, as steps 302-304 of FIG. 3. Selector 150 then selects the agent who has the best combined score.

Applicant points out in the background portion of applicant's specification that U.S. patent 5,825,869, issued to Brooks et al. On October 20, 1998, describes a system for skill-based routing of telephone calls. Brooks attempts to 10 select agents whose proficiency in specified skills are closest to the required proficiency levels of one or more required skills. However, Brooks describes no algorithm for actually performing the calculations and logic to make the selection. Therefore, it must be presumed that Brooks performs a brute-force method in which all available agents are evaluated in a straight-forward manner and then the results compared to a received call to finally select an agent.

Applicant points out that Brooks creates an agent table prior to receiving tasks for routing. Applicant argues it is especially advantageous and efficient to determine skills required in a task *and then* to build a table of all available agents having skills that at least partially match the skills required to service the task. Only with the claimed system can the proper efficiency, organization and data processing occur to determine the least qualified agent to service the task. In this manner a unique table is generated only of agents having skills matching the skills of the required task. Then the skills of the agents are further narrowed to determine the agent to handle the task. In applicant's invention a complete database search of every agent for every incoming task need not occur, as in the art.

Applicant believes the Examiner has not provided valid art against all of the limitations recited in applicant's claims. Therefore, applicant believes claims 29 and 31 are patentable over the art provided by the Examiner.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
Joseph B. Agusta

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755